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**From:** Labbe, Ken [Labbe.Ken@epa.gov]  
**Sent:** 1/5/2021 9:13:10 PM  
**To:** AO OPA OMR CLIPS [AO\_OPA\_OMR\_CLIPS@epa.gov]  
**Subject:** Daily News Clips January 5, 2021

**Daily Media Clips, January 5, 2021**

**SAB/Science Transparency Rule**

Washington Examiner: Trump EPA issues science transparency restrictions that could tie Biden's hands

Manufacturing.net: Final Trump-Era EPA Rollback Curbs Health Studies

CSPAN: EPA Administrator Defends New Rule on Use of Scientific Data in Developing Public Health Protections (video)

Environmental Defense Fund: Trump EPA's Censored Science Rule Jeopardizes Scientific Integrity and Public Health

Ecowatch: EPA to Adopt Big Tobacco's 'Secret Science' Rule

Courthouse News: New Health Study Hurdles Put in Place as Final Bow for Trump EPA

**Air**

Breeze Courier: Air pollution may contribute to Alzheimer's and dementia risk

**PFAS**

JD Supra: EPA Issues Interim Guidance on Destroying and Disposing of Certain PFAS and PFAS-Containing Materials That Are Not Consumer Products

**RFS**

Farm Progress: Ethanol small refinery exemptions dilemma left to President-elect Biden

Trump EPA issues science transparency restrictions that could tie Biden's hands

<https://www.washingtonexaminer.com/policy/energy/trump-epa-science-transparency-restrictions-biden>

by Abby Smith, Energy and Environment Reporter |

The Trump administration is restricting the type of science that the Environmental Protection Agency can use to set policy in a move environmentalists and public health experts say could keep the Biden team from setting stricter pollution standards.

The rulemaking, which EPA Administrator Andrew Wheeler is unveiling Tuesday during a virtual event with the libertarian Competitive Enterprise Institute, would require the agency to give more consideration to scientific studies for which the underlying data is publicly available.

Wheeler has said the action is critical to ensuring the agency's rulemakings are transparent and better supported by the public and regulated industries. Environmentalists and public health experts, however, have said that the rule will constrict the EPA's ability to use scientific studies focused on how pollution affects human health, as that research often uses epidemiological data that can't be made public.

"Increasing polarization around scientific questions stems in part from too many public policy debates setting science in a category apart from normal discussion or standards," Wheeler wrote in an op-ed in the *Wall Street Journal* late Monday, previewing the announcement. "By shining light on the science we use in decisions, we are helping to restore trust in government."

The rulemaking is the latest in a series of efforts that the Trump EPA has been rushing across the finish line in its last couple of months before President-elect Joe Biden takes office. In the last few weeks, the EPA has also finished up rulemakings altering the way the agency tallies the costs and benefits of its air pollution rules and declining to tighten air quality limits for soot and smog.

The science rule, however, has drawn perhaps the most criticism out of the actions the EPA is racing to finish. Dozens of prominent scientific groups, including the American Association for the Advancement of Science, raised alarm that the rule would "cut off foundational research" by excluding studies for which the data isn't public.

That could include scientific studies examining the harms toxic chemicals or air pollutants can have on human health, often used to set drinking water standards, air pollution controls, and other environmental protections.

"In short, it is forcing EPA to do its work with one hand tied behind its back," Gretchen Goldman, who directs the Union of Concerned Scientists's Center for Science and Democracy, said of the EPA's final rule.

Eliminating the EPA's ability to use such studies leaves the agency with "a much smaller pool of evidence" when it's determining whether to tighten pollution limits, Goldman said. "That would give political cover to an administration that didn't want to set a science-based health standard," she added.

Environmentalists say the Biden administration will have to eliminate the Trump EPA's action through a rulemaking process that could take years.

In the meantime, the Biden administration could make use of a provision in the rule allowing the EPA administrator to issue case-by-case exemptions from the restrictions to specific scientific studies, but it isn't clear how often that could be used.

Wheeler said the rule isn't designed to limit the scope of scientific work that the EPA relies on when it sets pollution standards.

"Our rule won't allow administrators to cherry pick research to derive politically helpful results," Wheeler wrote in the *Wall Street Journal*. "It won't categorically exclude any scientific work from EPA use."

Critics, though, said the EPA's action is solving a problem the agency doesn't have. The science that the EPA uses "already undergoes a long-established, transparent review process" that includes peer review and assessments by the EPA's scientific advisers, said Chris Zarba, a former director of the agency's Science Advisory Board.

Zarba added that the rule "doesn't ensure transparency in science, but rather is detrimental to high-quality impartial decision-making on behalf of the health and safety of the public."

The Science Advisory Board had been critical of the EPA's science transparency rule, saying in a draft comment to Wheeler last year that its ambiguity "could be viewed as a license to politicize" scientific evaluation. Though that language was removed from the board's final commentary this year, its members still cast doubt on whether the EPA could implement such restrictions "in a standardized and consistent manner."

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**Final Trump-Era EPA Rollback Curbs Health Studies**

<https://www.manufacturing.net/home/news/21219820/a-final-epa-rollback-under-trump-curbs-use-of-health-studies>

Big public-health studies have been instrumental in setting some of the nation's most important clean-air protections.

Jan 5th, 2021

[Ellen Knickmeyer](#)



Environmental Protection Agency Building in Washington, Sept. 21, 2017.  
AP Photo/Pablo Martinez Monsivais, File

The Environmental Protection Agency has completed one of its last major rollbacks under the Trump administration, changing how it considers evidence of harm from pollutants in a way that opponents say could cripple future public-health regulation.

EPA Administrator Andrew Wheeler is expected to formally announce completion of what he calls the “Strengthening Transparency in Regulatory Science” rule in an appearance before a conservative think tank on Tuesday. The EPA completed the final rule last week, but so far has declined to make the text public.

The new rule would require the release of raw data from public-health studies whose findings the EPA uses in determining the danger of an air pollutant, toxic chemical or other threat. Big public-health studies that studied the anonymized results of countless people have been instrumental in setting limits on toxic substances, including in some of the nation's most important clean-air protections.

Some industry and conservative groups have long pushed for what they called the transparency rule. Opponents say the aim was to handicap future regulation.

In an opinion piece in *The Wall Street Journal* on Monday night, Wheeler said the change was in the interest of transparency.

“If the American people are to be regulated by interpretation of these scientific studies, they deserve to scrutinize the data as part of the scientific process and American self-government,” Wheeler wrote.

But critics say the new rule could force disclosure of the identities and details of individuals in public-health studies, jeopardizing medical confidentiality and future studies. Academics, scientists, universities, public health and medical officials, environmental groups and others have spoken out at public hearings and written to oppose the change.

“This really seems to be an attempt by Wheeler to permanently let major polluters trample on public health,” said Benjamin Levitan, a senior attorney with the Environmental Defense Fund advocacy group. “It ties the hands of future administrations in how they can protect the public health.”

The change could limit not only future public health protections, but “force the agency to revoke decades of clean air protections,” Chris Zarba, former head of the EPA’s Science Advisory Board, said in a statement.

Wheeler, in his *Wall Street Journal* piece, said the new limits wouldn’t compel the release of any personal data or “categorically” exclude any scientific work.

The EPA has been one of the most active agencies in carrying out President Donald Trump’s mandate to roll back regulations that conservative groups have identified as being unnecessary and burdensome to industry.

EPA Administrator Defends New Rule on Use of Scientific Data in Developing Public Health Protections  
<https://www.c-span.org/video/?c4933284/epa-administrator-defends-rule-scientific-data-developing-public-health-protections>

Trump EPA's Censored Science Rule Jeopardizes Scientific Integrity and Public Health  
<https://www.edf.org/media/trump-epas-censored-science-rule-jeopardizes-scientific-integrity-and-public-health>

EPA to Adopt Big Tobacco's 'Secret Science' Rule  
<https://www.ecowatch.com/epa-secret-science-rule-2649748696.html?rebellitem=4#rebellitem4>  
 Climate Nexus

*Former coal lobbyist and current EPA administrator Andrew Wheeler looks at a pamphlet about Superfund sites at EPA's New York City office on March 4, 2019. Drew Angerer / Getty Images*

Former coal lobbyist and current U.S. Environmental Protection Agency (EPA) administrator Andrew Wheeler is expected to announce on Tuesday a rule tobacco consultants devised as an "explicit procedural hurdle" to protecting public health.

The rule — sometimes called the 'Secret Science' rule — will require EPA to give less credence to scientific studies that take into account individuals' medical histories and other data that cannot be made public. Such studies have served as the foundation for a half-century of clean air and clean water protections.

"It's as absurd as it sounds," Sen. Tom Carper (D-Del.) said in a statement. Had the rule been in place, the EPA would have been unable to require mercury pollution cuts from coal-fired power plants because it would have been unable to show how mercury impairs brain development. It could also effectively bar EPA from relying on foundational research — including findings that lead paint dust harms children and that air pollution causes premature deaths — when existing public health protections come up for renewal.

"The people pushing it are claiming it's in the interest of science, but the entire independent science world says it's not," Chris Zarba, a former director of the EPA's Science Advisory Board, told The Washington Post.

As reported by The New York Times:

"Right now we're in the grips of a serious public health crisis due to a deadly respiratory virus, and there's evidence showing that air pollution exposure increases the risk of worse outcomes," said Dr. Mary Rice, a pulmonary and critical care physician who is chairwoman of the environmental health policy committee at the American Thoracic Society. "We would want E.P.A. going forward to make decisions about air quality using all available evidence, not just putting arbitrary limits on what it will consider," she said.

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#### **New Health Study Hurdles Put in Place as Final Bow for Trump EPA**

<https://www.courthousenews.com/new-health-study-hurdles-put-in-place-as-final-bow-for-trump-epa/>

January 5, 2021 ALEXANDRA JONES

Facebook Twitter Email



The headquarters of the Environmental Protection Agency in Washington (Jack Rodgers photo/Courthouse News Service)

WASHINGTON (CN) — Tying a bow on four years of deregulation, Trump's Environmental Protection Agency finalized a transparency rule Tuesday that will exclude the anonymized data long instrumental in curbing pollution.

Among conservationists and even from within the EPA, the new rule's demand for raw data has spurred criticism.

The EPA's Science Advisory Board warned in April that this policy could "reduce scientific integrity" at the EPA. Chris Zarba, a former director of the this board, who retired in 2018 after roughly 40 years at the agency told the Washington Post Monday the rule was not in the best interest of the agency.

"It sounds good on the surface. But this is a bold attempt to get science out of the way so special interests can do what they want," he told the Post.

On paper, the rule says that any EPA determinations on the danger of air pollutants, toxic chemicals or other agents only involve studies that release their raw data.

In the past, however, large-scale public health studies with anonymized data have been the catalysts behind EPA rules surrounding toxic chemical and air pollutants.

But there is a good reason why studies rely on anonymized data, Brett Hartl, the government affairs director at the Center for Biological Diversity, said in a call Tuesday.

"One reason is because many of these species are very, very vulnerable to poaching and are illegally killed," Hartl said. "And if you release raw data about some of them you actually put them at greater risk of extinction."

Hartl pointed to certain rare species of butterfly as an example of how the EPA's shift on data could be harmful.

"There are a lot of unscrupulous actors who would like to have butterflies in their private collections," Hartl said. "And butterflies are often very, very vulnerable to insecticides," Hartl said. "So this rule basically says unless we subject the butterflies to basically the incredible risk of being poached and collected illegally, we will ignore all of these impacts to these butterflies from pesticides."

EPA Administrator Andrew Wheeler meanwhile defended the new rule Monday in The Wall Street Journal.

"If the American people are to be regulated by interpretation of these scientific studies, they deserve to scrutinize the data as part of the scientific process and American self-government," the former coal industry lobbyist wrote.

Wheeler is expected to formally announce the new rule at a Tuesday appearance before a conservative think tank.

Titled "Strengthening Transparency in Regulatory Science," the EPA made a 93-page pre-publication version of the final rule public this morning as part of a press release. It "requires the EPA to identify and make publicly available the science that serves as the basis for informing a significant regulatory action at the proposed or draft stage to the extent practicable."

Ben Levitan, an attorney for the Environmental Defense Fund, said Tuesday that the rule "will hobble EPA's ability to do its job and will expose Americans to more health risks from pollution."

"It's a nasty parting shot from an administration that has undermined science and jeopardized our foundational environmental and public health protections from its beginning," said Levitan in a statement. "Wheeler's Censored Science Rule will limit EPA's ability to consider rigorous scientific studies if all the underlying data are not available to third parties – even if those studies rely on confidential patient information, or there are other legal, ethical or practical barriers to disclosure."

Levitan added that President-elect Joe Biden's administration should reverse the decision as soon as possible, following his Jan. 20 inauguration.

Over the last four years, Trump's administration has rolled back well over 100 environmental policies that conservative groups have bemoaned as handicaps to industrial business. This includes rolling back several Obama-era rules put in place to regulate coal ash and other industry pollutants.

Many of these policies are currently being challenged in court. Biden could reverse some via executive order once his presidency begins. Others will require longer bureaucratic reversal processes.

The Biden administration tapped North Carolina's top environmental regulator, Michael Regan, in December to take over as head of the EPA. Regan will be the first Black man to fill the post. Before beginning his tenure as the state's secretary of the Department of Environmental Quality, Regan previously served as the associate vice president of U.S. climate and energy of the Environmental Defense Fund, where he led efforts to reduce the impacts of climate change and air pollution.

## Air pollution may contribute to Alzheimer's and dementia risk

<https://breezecourier.com/main.asp?SectionID=76&SubSectionID=619&ArticleID=246011>

**Jiu-Chiuan Chen**

University of Southern California

(THE CONVERSATION via AP) — Alzheimer's disease is the most common cause of dementia. It slowly destroys memory, thinking and behaviors, and eventually the ability to carry out daily tasks.

As scientists search for a cure, we have been learning more about the genetic and environmental factors that can increase a person's risks of developing late-onset Alzheimer's disease and related dementias.

In particular, my colleagues and I in preventive medicine, neurology and gerontology have been looking at the role of outdoor air pollution.

Our early research in 2017 became the first study in the U.S. using both human and animal data to show that brain aging processes worsened by air pollution may increase dementia risk. Our latest studies show how older women who lived in locations with high levels of PM2.5 – the fine particulate matter produced by vehicles and power plants – suffered memory loss and Alzheimer’s-like brain shrinkage not seen in women living with cleaner air.

Together these findings suggest a way to avoid one risk factor for Alzheimer's disease – reduce human exposure to PM2.5. Unfortunately, that's easier said than done.

## Silent risk

for dementia

PM2.5, also known as soot, consists of microscopic particles of chemicals, car exhaust, smoke, dust and other pollutants suspended in the air. An estimated one in six Americans lives in counties with unhealthy levels of particle pollution.

We have been investigating whether PM2.5 may accelerate the brain's aging processes at the preclinical stage – the “silent” phase of the disease before any symptoms of Alzheimer's disease and related dementias appear.

In the first U.S.-based nationwide study to link PM2.5 exposure and cognitive impairment, published in 2017, we found older women were almost twice as likely to develop clinically significant cognitive impairment if they had lived in places with outdoor PM2.5 levels exceeding the U.S. Environmental Protection Agency's standard than if they hadn't. Because we worked with the Women's Health Initiative Memory Study, which followed the participants closely, we were able to account for other dementia risk factors, such as smoking, lack of exercise and hormone therapy.

In a new study, we wanted to see how the brains of older people were changing if they had experienced different levels of PM2.5 in the years before Alzheimer's symptoms began.

We followed the progress of 712 women with an average age of 78 who did not have dementia at the start of the study and who underwent MRI brain scans five years apart. By combining EPA monitoring data and air quality simulations, we were able to estimate the everyday outdoor PM2.5 level around where the participants lived before their first MRI scan.

We found older women were more likely to have brain shrinkage similar to what is observed in patients with Alzheimer's disease. When we compared the brain scans of older women from locations with high levels of PM2.5 to those with low

Perhaps more alarming is that these Alzheimer's-like brain changes were present in older women with no memory problems. The shrinkage in their brains was greater if they lived in locations with higher levels of outdoor PM2.5, even when those levels were within the current EPA standard.

## Pollution and brain shrinkage

Data from the Women's Health Initiative Memory Study and past MRIs allowed us to look for changes across time for nearly 1,000 women. We found that as outdoor PM<sub>2.5</sub> increased in locations where these older women lived, episodic memory declined. Approximately 10%-20% of the greater memory decline could be explained by Alzheimer's-like brain shrinkage.

Genes also appear to play a role. Our research has shown that a critical Alzheimer's risk gene, APOE4, interacts with air particles to accelerate brain aging. We found the environmental risk raised by long-term PM2.5 exposure was two to three times higher among older women with two copies of the APOE4 gene than among women without the gene.

### An avoidable risk

The U.S. government had an opportunity to strengthen those standards in 2020, a move that EPA scientists explained could prevent thousands of premature deaths from health risks such as heart disease. Scientists advocated tougher standards, citing other health problems linked to PM2.5. However, EPA Administrator Andrew Wheeler declined, announcing on Dec. 7 that the standards would remain unchanged.

<https://www.jdsupra.com/legalnews/epa-issues-interim-guidance-on-8096883/>



On Dec. 18, the Environmental Protection Agency (EPA) released for public comment new interim guidance that outlines the current state of the science on techniques and treatments that may be used to destroy or dispose of perfluorooctanoic acid (PFAS) and PFAS-containing materials from non-consumer products, including aqueous film-forming foam for firefighting). The guidance is now open for public comment.

The EPA states that this interim guidance does not take into account the concentration of PFAS in wastes or other materials, and defers to the need to perform a risk-based analysis. Further, it does not discuss storage of PFAS-containing materials. Rather, it focuses on the currently available disposal technology to handle the broad range of PFAS containing products, yet is careful to say that there are significant levels of uncertainty about the capacity to monitor PFAS-containing materials enter the environment.

The disposal technologies that are currently available include thermal treatment (destruction), landfilling (disposal), and underground injection (disposal). The EPA outlines each such technology and links them to various types of PFAS-containing products that may be handled by the use of such technology. One key issue in determining the appropriate disposal criteria is that PFAS-containing material may be found as a solid, liquid, or gas with each having its own distinct issues affecting disposal depending on its intended usage and manufacturing process.

The list of PFAS-containing manufacturing processes is daunting. Those mentioned by EPA are:

- Adhesives
- Cleaning products
- Computers/Electronics
- Film/Lithography
- Metal Plating
- Oil and Gas Drilling
- Paint/Coatings
- Paper Products
- Pesticides/Fertilizer
- Plastic Materials/Resins
- Textiles/Apparel/Leather/Carpets
- Aerospace Components
- Automotive Components
- Semiconductors
- Building and Construction Materials
- Mining
- Cosmetics and Personal Care Items
- Fire Suppression

The EPA has identified three technological solutions that are commercially available and potentially have the capability to destroy PFAS or manage the migration of PFAS in PFAS-containing materials. These technologies are thermal treatment, landfilling, and underground injection control. Each of these technologies has a different treatment methodology, control devices, emissions testing/monitoring, and levels of uncertainties. Given this, the Interim Guidance provides significant detail of these technologies and their respective pluses and minuses. It also provides estimated costs of the use of each type of technology depending on whether the waste is solid, liquid, or gaseous.

Lastly, the Interim Guidance discusses potentially vulnerable populations living near likely destruction or disposal sites. Each type of PFAS-containing materials form and the type of treatment used creates a different risk to such populations, which calls for further risk assessments.

Also, the EPA admits there is considerable further research to be done on three broad areas: better characterization of PFAS-containing materials to be destroyed or disposed of; measuring and assessing the effectiveness of existing methods for destruction; and, the development of other technologies that may be employed instead of or with existing technologies.

The issue of PFAS and PFAS-containing products is in its infancy. Approaches will change over time as more becomes known about these substances' structure, their vulnerabilities to destruction, and the impact of disposal on the environment.

The Interim Guidance can be found [here](#).

### **Ethanol small refinery exemptions dilemma left to President-elect Biden**

<https://www.farmprogress.com/regulatory/ethanol-small-refinery-exemptions-dilemma-left-president-elect-biden>

TAGS: [CORN](#) [ETHANOL](#)



**Total of 66 outstanding smaller refinery exemption petitions remains critical to providing stability for biofuel producers and farmers.**

[Jacqui Fatka](#) | Jan 05, 2021

During the Trump Administration a backlog of small refinery exemptions have piled up regarding compliance for the Renewable Fuel Standards volume obligations. Now President-elect Joe Biden's administration will be tasked with approving or denying the many outstanding SRE requests now sitting at EPA.

On Jan. 4, a notice was published in the U.S. Federal Register of a proposed consent decree that would require EPA to make a decision regarding a 2019 SRE petition by Feb. 19, 2021. The consent decree specifically deals with a request by United Refining Co. from July 2020 alleging EPA failed to take final action on the petition for a small refinery hardship exemption from its 2019 obligations under the RFS.

“Even with the promise of a new year, there are continued challenges with EPA’s SRE program given the secrecy and lack of transparency into the entire process,” says Growth Energy CEO Emily Skor.

The U.S. EPA released [updated small refinery exemption data](#) on Dec. 17, reporting that five additional SRE petitions have been filed with the agency seeking exemptions from RFS blending requirements. Three SRE petitions changed from “denied” to “pending.” A total of 66 SREs are now listed as pending, up from 58 as of Nov. 19. The five newly filed SRE petitions are all for RFS compliance year 2020, increasing the number of pending petitions for that compliance year from nine as of Nov. 19 to 14 as of Dec. 17.

SREs granted for the 2018 compliance year resulted in a reduction of 1.4 billion gallons of ethanol use and 1.82 billion gallons for the 2017 year. This compares to 790 million gallons in 2016 and considerably less in the 2013 to 2015 compliance years.

Skor adds that with the 2020 blending compliance deadline at the end of March looming, EPA’s swift action on all 66 outstanding SRE petitions remains critical to providing stability for biofuel producers and farmers.

“President-elect Biden’s administration has an opportunity to uphold a key campaign promise to rural America, and deny any and all SRE petitions that are not in accordance with the Renewable Fuel Standard or the 10th Circuit’s ruling on SREs, which was almost a year ago,” Skor says.

On the campaign trail, Biden often condemned the Trump Administration’s handling and abuse of the SRE program, and repeatedly affirmed that “A Biden-Harris Administration will fight for family farmers and revitalize rural economies — [keeping] our promises to farmers by ushering in a new era of biofuels.”

In a media call in mid-December, Geoff Cooper, Renewable Fuels Association president and CEO, said EPA “grossly exceeded its authority” in approving the previous SREs and he hopes to see those overturned and the volume restored. He said it would be better for the next administration to settle the decisions on the pending SREs from 2019 and 2020 and reject the gap year waivers.

The deadline to comment on the proposed consent decree is Feb. 3, 2021.

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